IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 18834 of 2004

Between:

M. Ranga Reddy S/o Govinda Reddy, aged 59 years,
Retd Manager, DCCB, Adilabad, R/o Hyderabad

..... PETITIONER

AND

1 The District Cooperative Central Bank Limited rep by

General Manager, Adilabad
2 The General manager, District Cooperative Central Bank Limited,

Adilabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction particularly one in the nature of Writ of mandamus declaring the action of the respondents in with-holding and not releasing the gratuity to the petitioner on his retirement on attaining the age of superannuation w.e.f. 31-08-2003 as totally illegal, without jurisdiction and consequently direct the respondents to pay the gratuity with interest 18% from the date of superannuation i.e. 31-08-2003 and also compensation for illegal with-holding of the same with all consequential reliefs and benefits.

Counsel for the Petitioner: MR.S.LAKSHMA REDDY

Counsel for the Respondents: GP FOR COOPERATION

The Court made the following:

ORDER:

The petitioner is contending that he is a retired Manager of the respondent Bank. He retired on 31.08.2003 on attaining the age of superannuation. He is entitled for leave encashment and gratuity. Though the amount was paid relating to the leave encashment, the gratuity amount was not paid to him without assigning any reason. The petitioner further contends that he made a representation on 22.09.2004 to the respondents requesting to release gratuity amount with interest, but he did not receive any communication till now. Therefore, he approached this Court through this writ petition, seeking to declare that the action of the respondents in withholding the gratuity amount as illegal and arbitrary, and further requested to direct the respondent to pay the gratuity amount with interest at 18% p.a. from 31.08.2003.

2. In the light of the submissions made by the petitioner, the respondents are directed to pass appropriate orders regarding the release of the gratuity amount in favour of the petitioner with interest, if any payable to him, under the existing rules, within a period of 2 (two) months from the date of receipt of a copy of this order. If there is any legal obstacle for the release of the gratuity amount, the respondents are directed to communicate the said objection to the petitioner.

3. The Writ Petition is, accordingly, disposed of. No order as to costs.

dsr

ASSISTANT REGISTRAR

To:

1. The General Manager,

The District Cooperative Central Bank Limited,

Adilabad

2. Two CCs to the Government Pleader for Cooperation,

High Court Buildings, Hyderabad (OUT)

3. Two CD copies.